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**SUBSTITUTE SENATE BILL 6010**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Shewmake, Lovelett, and Slatter)

READ FIRST TIME 02/02/26.

1 AN ACT Relating to tribal consultation conducted by the energy  
2 facility site evaluation council; and amending RCW 80.50.060 and  
3 42.30.140.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 80.50.060 and 2025 c 261 s 3 are each amended to  
6 read as follows:

7 (1)(a) The provisions of this chapter apply to the construction  
8 of energy facilities which includes the new construction of energy  
9 facilities and the reconstruction or enlargement of existing energy  
10 facilities where the net increase in physical capacity or dimensions  
11 resulting from such reconstruction or enlargement meets or exceeds  
12 those capacities or dimensions set forth in RCW 80.50.020 (14) and  
13 (29). No construction or reconstruction of such energy facilities may  
14 be undertaken, except as otherwise provided in this chapter, without  
15 first obtaining certification in the manner provided in this chapter.

16 (b) If applicants proposing the following types of facilities  
17 choose to receive certification under this chapter, the provisions of  
18 this chapter apply to the construction, reconstruction, or  
19 enlargement of these new or existing facilities:

20 (i) Facilities that produce refined biofuel, but which are not  
21 capable of producing 25,000 barrels or more per day;

1 (ii) Alternative energy resource facilities;

2 (iii) Electrical transmission facilities: (A) Of a nominal  
3 voltage of at least 115,000 volts; and (B) located in more than one  
4 jurisdiction that has promulgated land use plans or zoning  
5 ordinances;

6 (iv) Clean energy product manufacturing facilities;

7 (v) Storage facilities; and

8 (vi) Fusion energy facilities. However, such a fusion energy  
9 facility receiving site certification must also secure required  
10 licenses and registrations, or equivalent authorizations, for  
11 radiation control purposes from designated state or federal agencies.

12 (c) All of the council's powers with regard to energy facilities  
13 apply to all of the facilities in (b) of this subsection and these  
14 facilities are subject to all provisions of this chapter that apply  
15 to an energy facility.

16 (2) (a) The provisions of this chapter must apply to:

17 (i) The construction, reconstruction, or enlargement of new or  
18 existing electrical transmission facilities: (A) Of a nominal voltage  
19 of at least 500,000 volts alternating current or at least 300,000  
20 volts direct current; (B) located in more than one county; and (C)  
21 located in the Washington service area of more than one retail  
22 electric utility; and

23 (ii) The construction, reconstruction, or modification of  
24 electrical transmission facilities when the facilities are located in  
25 a national interest electric transmission corridor as specified in  
26 RCW 80.50.045.

27 (b) For the purposes of this subsection, "modification" means a  
28 significant change to an electrical transmission facility and does  
29 not include the following: (i) Minor improvements such as the  
30 replacement of existing transmission line facilities or supporting  
31 structures with equivalent facilities or structures; (ii) the  
32 relocation of existing electrical transmission line facilities; (iii)  
33 the conversion of existing overhead lines to underground; or (iv) the  
34 placing of new or additional conductors, supporting structures,  
35 insulators, or their accessories on or replacement of supporting  
36 structures already built.

37 (3) The provisions of this chapter shall not apply to normal  
38 maintenance and repairs which do not increase the capacity or  
39 dimensions beyond those set forth in RCW 80.50.020 (14) and (29).

1 (4) Applications for certification of energy facilities made  
2 prior to July 15, 1977, shall continue to be governed by the  
3 applicable provisions of law in effect on the day immediately  
4 preceding July 15, 1977, with the exceptions of RCW 80.50.071 which  
5 shall apply to such prior applications and to site certifications  
6 prospectively from July 15, 1977.

7 (5) Applications for certification shall be upon forms prescribed  
8 by the council and shall be supported by such information and  
9 technical studies as the council may require.

10 (6) Upon receipt of an application for certification under this  
11 chapter, the chair of the council shall notify:

12 (a) The appropriate county legislative authority or authorities  
13 where the proposed facility is located;

14 (b) The appropriate city legislative authority or authorities  
15 where the proposed facility is located;

16 (c) The department of archaeology and historic preservation; and

17 (d) The appropriate federally recognized tribal governments that  
18 may be affected by the proposed facility.

19 (7) The council must work with local governments where a project  
20 is proposed to be sited in order to provide for meaningful  
21 participation and input during siting review and compliance  
22 monitoring.

23 (8) The council must consult with all federally recognized tribes  
24 that possess resources, rights, or interests reserved or protected by  
25 federal treaty, statute, or executive order in the area where an  
26 energy facility is proposed to be located to provide early and  
27 meaningful participation and input during siting review and  
28 compliance monitoring. ~~((The chair and designated staff must offer to  
29 conduct government-to-government consultation to address issues of  
30 concern raised by such a tribe.))~~ Upon the receipt of an application  
31 for certification, the chair and designated staff shall offer to  
32 conduct government-to-government consultation to seek ways to address  
33 issues of concern raised by such a tribe. As part of the consultation  
34 process, and upon request of the tribe to meet with the full council,  
35 consultation shall include as many members of the council as can be  
36 arranged. The goal is to coordinate the full council's attendance.  
37 Attendance by a quorum of the council at the consultation does not  
38 constitute a meeting under chapter 42.30 RCW, provided that there is  
39 no deliberation between the members of the council and that no  
40 assurances or commitments are made by members of the council. The

1 goal of the consultation process is ~~((to identify))~~ for the tribe to  
2 provide information regarding tribal resources or rights potentially  
3 affected by the proposed energy facility ~~((and to seek))~~, as well as  
4 ways to avoid, minimize, or mitigate any adverse effects on tribal  
5 resources or rights. ~~((The chair must provide regular updates on the~~  
6 ~~consultation to the council throughout the application review~~  
7 ~~process.))~~ The report from the council to the governor required in  
8 RCW 80.50.100 must include a summary of the government-to-government  
9 consultation process that complies with RCW 42.56.300, including the  
10 issues and proposed resolutions. The council's summary shall be  
11 provided to the tribe before it is submitted to the governor and the  
12 tribe will have 30 days to request any corrections or additional  
13 information be included in the summary, or to provide its own summary  
14 to be included in the council's report to the governor required in  
15 RCW 80.50.100.

16 (9) The department of archaeology and historic preservation shall  
17 coordinate with the affected federally recognized tribes and the  
18 applicant in order to assess potential effects to tribal cultural  
19 resources, archaeological sites, and sacred sites.

20 **Sec. 2.** RCW 42.30.140 and 1990 c 98 s 1 are each amended to read  
21 as follows:

22 If any provision of this chapter conflicts with the provisions of  
23 any other statute, the provisions of this chapter shall control:  
24 PROVIDED, That this chapter shall not apply to:

25 (1) The proceedings concerned with the formal issuance of an  
26 order granting, suspending, revoking, or denying any license, permit,  
27 or certificate to engage in any business, occupation, or profession  
28 or to any disciplinary proceedings involving a member of such  
29 business, occupation, or profession, or to receive a license for a  
30 sports activity or to operate any mechanical device or motor vehicle  
31 where a license or registration is necessary; or

32 (2) That portion of a meeting of a quasi-judicial body which  
33 relates to a quasi-judicial matter between named parties as  
34 distinguished from a matter having general effect on the public or on  
35 a class or group; or

36 (3) Matters governed by chapter 34.05 RCW, the Administrative  
37 Procedure Act; or

38 (4) (a) Collective bargaining sessions with employee  
39 organizations, including contract negotiations, grievance meetings,

1 and discussions relating to the interpretation or application of a  
2 labor agreement; or (b) that portion of a meeting during which the  
3 governing body is planning or adopting the strategy or position to be  
4 taken by the governing body during the course of any collective  
5 bargaining, professional negotiations, or grievance or mediation  
6 proceedings, or reviewing the proposals made in the negotiations or  
7 proceedings while in progress; or  
8 (5) Government-to-government consultation with a federally  
9 recognized tribe under requirements provided in RCW 80.50.060.

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